



IFW

PATENT
Atty. ref. P02106US2A
(DP003d0dUSc)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

HUBBARD

Appl no.: 10/775,207

Filed: February 11, 2004

For: PEEL-AND-STICK FABRIC BACKED
COVERING MEMBRANE

Group art unit: 1771

Examiner: Zirker, D.R.

COMMUNICATION ACCOMPANYING EXPRESS ABANDONMENT

Mail Stop Express Abandonment
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

The present application presently is on appeal. A Notification of Non-Compliant Appeal Brief was mailed 13 March 2007, which was after the Examiner's Answer having been completed and mailed.

Earlier today, a divisional application was filed by Express Mail. Applicant wishes to focus prosecution efforts on the claims included in that application.

In addition to a completed form PTO/SB/24, also enclosed are copies of a form PTO/SB/82 and a 37 C.F.R. § 3.73(b) Statement submitted previously. While PAIR includes posted copies of these documents (thus confirming that they were received by the USPTO), the listed Correspondence Address and Attorneys of Record have not yet been updated. These copies are being provided so that the USPTO can confirm that the undersigned has the capacity to act in this matter.

No fee is believed to be due for entry and consideration of this submission. However, if any fees are or become due, the USPTO is authorized to charge them to Deposit Account No. 06-0925.

Inquiries concerning this submission should be directed to the attention of the undersigned. The correspondence address of record remains unchanged.

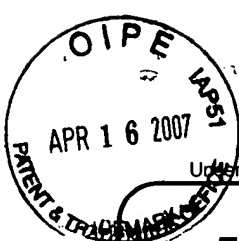
Respectfully submitted,



David G. Burleson, Reg. No. 38,090
Attorney for Applicant

April 11, 2007

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**EXPRESS ABANDONMENT UNDER
37 CFR 1.138**

Fax directly to the Pre-Grant Publication Division at (703) 305-8568; or
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Application Number	10/175,207
Filing Date	11 February 2004
First Named Inventor	Hubbard
Art Unit	1771
Examiner Name	Zirker
Attorney Docket Number	P06102US2A

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☐ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☒ **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM.

- I am the: ☐ applicant.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Attorney or agent registration number is 38,090
- ☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is _____

David G. Burleson
Signature

11 April 2007
Date

DAVID G. BURLESON
Typed or printed name

330/526-0104, x2
Telephone Number

Note: Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process an application). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Based on PTO/SB/06 (09-06)
which is approved for use through 03/31/2007.

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: Michael J. Hubbard
Application/Patent No.: 10/775,207 Date of filing/issuance: 11 February 2004
Entitled: PEEL-AND-STICK FABRIC BACKED COVERING MEMBRANE
BFS Diversified Products, LLC, a Delaware limited liability company
(Name of Assignee) (Type of Assignee)

states that it is the assignee of

1. ☒ the entire right, title, and interest; or
2. ☐ less than the entire right, title, and interest, and the extent of its ownership interest is _____%

In the referenced application or patent by virtue of either

- ☐ an assignment from the inventor(s) of the identified application or patent, recorded in the USPTO at Reel _____, Frame _____, OR
☒ a chain of title from the inventor(s) of the identified application or patent to the current assignee as shown below

1. From: M.J. Hubbard To: OMNOVA Solutions Inc.
This document was recorded in the USPTO at Reel 015192, Frame 0046, or a copy is attached.

2. From: OMNOVA Solutions Inc. To: BFS Diversified Products, LLC
This document was recorded in the USPTO at Reel 018480, Frame 0805, or a copy is attached.

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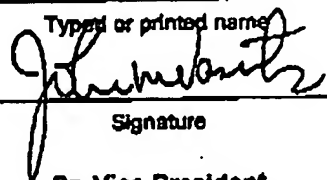
☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

- ☐ As required by 37 C.F.R. § 3.73(b)(1)(i), the document(s) indicated as being attached
☐ have been submitted for recordation ☐ concurrently are being submitted for recordation
pursuant to 37 C.F.R. § 3.11.

The undersigned, whose title appears below, is authorized to act on behalf of the assignee in this type of matter.

March 1, 2007
Date
(317) 575-7220
Telephone number

John M. Vasuta
Typed or printed name

Signature
Br. Vice President
Title

SEND TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1460

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**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/775,207
Filing Date	11 February 2004
First Named Inventor	HUBBARD, M.
Art Unit	1771
Examiner Name	Zirker, D.
Attorney Docket Number	P06102US2A (DP003c0fUS)

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

46588

☒ Please change the correspondence address for the above-identified application to:

☐ The address associated with
Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Chief Intellectual Property Counsel				
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City	Akron	State	Ohio	Zip	44317-0001
Country	USA				
Telephone	330 / 379-6850		Email	woodjon@bfusa.com	

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature			
Name	John M. Vasuta		
Date	1 March 2007	Telephone	317 / 575-7220

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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